

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2008-150364-001 DT

09/01/2009

HON. SALLY S. DUNCAN

CLERK OF THE COURT  
M. Cabral  
Deputy

STATE OF ARIZONA

MANUEL DESI RUBALCABA

v.

JOHN BACON (001)

STEVE B KOESTNER  
REBECCA L FELMLY

VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY  
DAY TWO (2)

Prior to the commencement of trial, State's Exhibit 154 is marked for identification.

State's Attorney:	Desi Rubalcaba
Defendant's Attorney:	Steve Koestner
Defendant:	Present
Court Reporter:	Scott Kindle

8:59 a.m. Trial to Jury continues from August 31, 2009.

The jury is not present.

Discussion is held re: jurors.

Evidentiary hearing commences at this time:

Also present is the counsel, Rebecca Felmly, for the witness, Gabriel Boldra.

Gabriel Boldra is sworn and testifies.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2008-150364-001 DT

09/01/2009

LET THE RECORD REFLECT that the witness makes an in-court identification of the Defendant.

LET THE RECORD FURTHER REFLECT that the witness invokes his 5<sup>th</sup> Amendment Rights on certain questions, as stated on the record.

The State presents to the Court an immunity order with respect to witness, Gabriel Boldra.

THE COURT FINDS that the witness has the right to invoke his 5<sup>th</sup> Amendment Rights.

IT IS ORDERED approving the Order signed by the Court on this date and filed by the clerk on this date.

The witness is excused from the courtroom.

The State presents to the Court an immunity order with respect to witness, Eric Templin.

IT IS ORDERED approving the Order signed by the Court on this date and filed by the clerk on this date.

LET THE RECORD REFLECT that the Court and counsel confer at the Bench, on the record.

The Court addresses the victims that are present in the courtroom.

9:16 a.m. Court stands at recess.

10:35 a.m. Court reconvenes with the Defendant and respective counsel present.

Court reporter, Scott Kindle, is present.

The jury is present.

The Indictment is read by the Clerk to the jury and the plea of the Defendant is made known to them.

The jury is given preliminary instructions as to the law applicable to this cause.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2008-150364-001 DT

09/01/2009

FILED: Preliminary Jury Instructions.

Opening statements.

11:57 a.m. The jury is excused until 1:30 p.m. and court remains in session.

Discussion is held re: preliminary instructions.

The State requests that the Court instruct the witness, Michelle Molenterno, regarding the Court's ruling with respect to the testimony that is not allowed to be elicited.

LET THE RECORD REFLECT that the Court instructs the witness regarding the Court's ruling.

12:01 p.m. Court stands at recess.

During the recess, State's Exhibits 155 and 156 are marked for identification.

1:31 p.m. Court reconvenes with the Defendant and respective counsel present.

Court reporter, Scott Kindle, is present.

The jury is not present.

Discussion is held re: witness schedule.

The State advises the Court the stipulation that counsel have reached regarding the testimony that is not allowed to be elicited from the witness, Eric Templin.

LET THE RECORD REFLECT that the witness, Eric Templin, and his counsel, Geoffrey Fish, are present and the Court advises the witness and his counsel of the Court's ruling.

1:39 p.m. The jury is now present.

State's case:

Eric Templin is sworn and testifies.

LET THE RECORD REFLECT that the witness' counsel, Geoffrey Fish, is present in the courtroom.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2008-150364-001 DT

09/01/2009

LET THE RECORD REFLECT that the witness makes an in-court identification of the Defendant.

State's Exhibit 152 is received in evidence.

State's Exhibit 2 is received in evidence.

State's Exhibit 50 is received in evidence.

State's Exhibits 1, 3 through 49, and 51 through 128 are received in evidence.

LET THE RECORD REFLECT that Exhibit 153 is unsealed by Detective McMillen in open court and it contains a shotgun. Detective McMillen reseals the exhibit.

2:57 p.m. The jury is excused and court remains in session.

Discussion is held re: witness' testimony.

3:00 p.m. Court stands at recess.

3:19 p.m. Court reconvenes with the Defendant and respective counsel present.

Court reporter, Scott Kindle, is present.

The jury is present.

Eric Templin testifies further.

LET THE RECORD REFLECT that the witness' counsel, Geoffrey Fish, is present in the courtroom.

State's Exhibit 155 is received in evidence.

Defendant's Exhibit 157 is marked for identification.

4:29 p.m. The jury is excused and court remains in session.

Discussion is held re: witness schedule.

4:30 p.m. Trial continues to September 2, 2009 at 10:30 a.m.